



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,815	07/28/2003	Kenji Morita	03560.001996.1	4350
5514 7590 11/29/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER TRAN, NHAN T	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 11/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/627,815

Applicant(s)

MORITA, KENJI

Examiner

Nhan T. Tran

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 58-87 have been considered but are moot in view of the new ground(s) of rejection.

Specification

2. Amendment to specification filed 9/7/2007 is accepted.

Claim Objections

3. Claims 58, 63, 68, 73, 78 and 83 are objected to because of the following informalities:

Regarding claim 58, the words "the same operation" in line 7 of this claim should be corrected to read as -- a same operation --.

Regarding claim 63, the words "the same operation" in line 6 of this claim should be corrected to read as -- a same operation --.

Regarding claim 68, the words "the same operation" in line 8 of this claim should be corrected to read as -- a same operation --.

Regarding claim 73, the words "the same operation" in line 8 of this claim should be corrected to read as -- a same operation --.

Regarding claim 78, the words "the same operation" in line 7 of this claim should be corrected to read as -- a same operation --.

Regarding claim 83, the words "the same operation" in line 86 of this claim should be corrected to read as -- a same operation --.

Appropriate correction is required.

Double Patenting

(An Important note: This application is a voluntary division of the parent application No. 08/895,266 filed 7/16/1997, which is now US Patent No. 6,611,285. No restriction was made by the USPTO in the parent application. Thus, prohibition of double patenting rejections under 35 USC 121 does not apply. See MPEP 804.01.)

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. **Claims 58-87** are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over **claims 1, 2, 5-16 of U.S. Patent No. 6,611,285** in view of Cortjens et al. (US 5,598,209).

Regarding claims 58-72, although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims 58-72 are broader than every aspect of the Patent claims 1, 2, 5-16. Specifically, the limitations *"wherein, in a case where the designations include a predetermined plurality commands for the same operation, said control unit does not control the video camera in accordance with each of the predetermined plurality of commands"* recited in the instant claims 58, 63 & 68 are encompassed by *"wherein, in case where the designations include a plurality of commands for the same (movement) operation, said control device (unit) controls the video camera in accordance with the command which is the latest."* recited in the patent claims 1, 7, 9 & 13. Because the control unit controls the video camera in accordance with **only the latest command when the designations include a plurality of commands for the same operation** as required in the patent claims, the control unit does not control the video camera with **every** of the predetermined plurality of commands but **only the latest command**. For dependent claims 60-62, 65-67, 70-72 of the instant application, "zoom commands" issued from one client and "transmitting" current zoom state as non-image data to other clients (other terminals) in the network are also met by patent claims 5, 6, 8, 11, 12, 15 & 16.

Although the Patent claims 1, 2, 5-16 do not specifically claim "in a case where the designations do not include a predetermined plurality of commands for the same

operation, said control unit controls the video camera in accordance with each of the predetermined plurality of commands" recited in the instant claims 58, 63 & 68, such lack of disclosure is compensated by Cortjens.

According to Cortjens in Figs. 5A & 5B, steps 115-116 and col. 15, line 54 – col. 6, line 36, camera controller controls a remote camera in accordance with each of a plurality of commands (pan, tilt and/or zoom commands) separately when the plurality of commands are commands for **separate** operations (pan, tilt, and/or zoom operations). Such control operations allow the user to independently and smoothly control the camera as suggested by Cortjens in col. 4, lines 29-36.

Therefore, it would have been obvious to one of ordinary skill in the art to combine teachings of the Patent claims 1, 2, 5-16 and Cortjens to arrive at the Applicant's claimed invention for controlling the video camera such that, in a case where the designations do not include a predetermined plurality of commands for the same operation (but for different operations), said control unit controls the video camera in accordance with each of the predetermined plurality of commands. Doing this would allow the user to independently and smoothly control the camera as suggested by Cortjens above.

Regarding claims 73-87, the above analyses of claims 58-72 are also applied to claims 73-87 for the same limitations except for that the image signals of the video camera are displayed at the client in accordance with the designations to the client,

wherein the transmitting unit does not transmit each of the image signals in accordance with the predetermined plurality of commands to the client.

However, the Patent claims 1, 2, 8, 10 & 14 partially disclose a display device and the commands for pan, tilt and/or zoom of the video camera. As seen in the Patent claims, only the latest command of the plurality of commands is effective for controlling the video camera if a plurality of commands are for the same operation (i.e., same zooming operation), and thus only data in response to the latest command (not every command) are transmitted to the client. It would be quickly recognized by one skilled in the art that the controller would transmit updated image signals in accordance with the latest command so that the display device not only displays a current state (i.e., zoom state) of the video camera but also display the currently updated image signals so as to allow the client to view the most recently updated image conveniently.

Therefore, it would have been obvious to one of ordinary skill in the art to configure the apparatus and method as claimed in the Patent claims to arrive at the instant claims 73-87 such that image signals of the video camera would be transmitted to the client's terminal and displayed thereon in response to the latest command from the client but not every commands so as to enable the client to view the most recently updated video image on the display device in addition to the current state (i.e., zoom state) in a convenient fashion.

The Patent claims do not specifically claim that "in a case where the designations do not include a predetermined plurality of commands for the same operation, said transmitting unit transmits each of the image signals in accordance with the

predetermined plurality of commands” recited in the instant claims 73, 78 & 83.

However, this lack of disclosure is compensated by Cortjens.

According to Cortjens in Figs. 5A-5B, 6A-6B & 13A-13B and col. 15, line 54 – col. 6, line 36, camera controller controls a remote camera in accordance with each of a plurality of commands (pan, tilt and/or zoom commands) separately when the plurality of commands are commands for **separate** operations (pan, tilt, and/or zoom operations) and transmits each of updated image signals to the client terminal for displaying in accordance to each of the plurality of commands. Such control operations allow the client to smoothly view updated image signals in accordance with each of the plurality of commands for different operations as suggested by Cortjens in col. 4, lines 29-36.

Therefore, it would have been obvious to one of ordinary skill in the art to combine teachings of the Patent claims 1, 2, 5-16 and Cortjens to arrive at the Applicant’s claimed invention for controlling the video camera such that, in a case where the designations do not include a predetermined plurality of commands for the same operation (but for different operations), said transmitting unit transmits each of the image signals in accordance with the predetermined plurality of commands so as to allow the client smoothly view updated image signals in accordance with each of the plurality of commands for different operations as suggested by Cortjens above.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 58-60, 62-65, 67-70 and 72-87 are rejected under 35 U.S.C. 102(a) as being anticipated by Cortjens et al. (US 5,598,209).

Regarding claim 58, Cortjens discloses a controller (Fig. 1) for controlling a video camera in accordance with designations input (pan, tilt and/or zoom inputted by mouse 12, joystick 18 and control panel 13 shown in Fig. 1) from a client (see Figs. 1-3 and col. 5, lines 30-54), said controller comprising:

an input unit (mouse 12, joystick 18 and control panel 13) adapted to input the designations from the client (Figs. 1-5 and col. 8, lines 33-49);

a control unit (controller 10) adapted to control the video camera in accordance with the designations from the client (col. 6, lines 33-45 and col. 8, lines 28-56);

wherein, in a case where the designations include a predetermined plurality of commands for [the] same operation (i.e., a plurality commands for panning operations representing panning amounts which are not greater than the resolution error as shown in step 107 in Fig. 5A), said control unit does not control the video camera in accordance with each of the predetermined plurality of commands (the controller does not control the camera by looping back to step 101 as shown in combined Figs. 5A & 5B and col. 15, lines 54-64), and in a case where the designations do not include a predetermined plurality of commands for the same operation (a single command for each of panning operation and tilting operation which are greater than the resolution

error in steps 107 & 108 of Figs. 5A & 5B but not multiple commands for the same panning operation), said control unit controls the video camera in accordance with each of the predetermined plurality of commands (steps 115-116; see col. 15, line 54 – col. 16, line 36). *It should be noted that since the claim does not require any exclusive case, the teaching of Cortjens has met all general cases.*

Regarding claim 59, it also clearly seen in Cortjens (Figs. 5A & 5B) that in a case (another case) where the designations include a predetermined plurality of commands for the same operation (i.e. plurality of pan commands which are greater than the resolution error), said control unit controls the video camera in accordance with the latest command of the predetermined plurality of commands (see Figs. 5A & 5B and col. 15, line 54 – col. 16, line 36, wherein the controller controls the camera in response to all commands that are greater than the resolution error including the latest command by inherency).

Regarding claim 60, Cortjens clearly discloses that the predetermined plurality of commands are pan, tilt, or zoom commands of the video camera (see col. 15, line 54 – col. 16, line 36).

Regarding claim 62, Cortjens also discloses that the controller is a camera server (Figs. 1-4 & 8) connected to the client via a network (see col. 5, line 30 – col. 6, line 19, and it is noted that the camera network system as shown in Figs. 1-4, 8 & 9 connecting

to a plurality of cameras for serving video conferencing has encompassed a camera server).

Regarding claims 63-65 & 67, these method claims are also met by the analyses of claims 58-60 & 62, respectively.

Regarding claim 68, Cortjens further discloses a computer readable storage medium (memory) for storing programs executed by a controller to control a video camera in accordance with designations from a client to perform the method of claim 63 (see col. 10, lines 58-66 and col. 12, lines 21-51).

Regarding claims 69, 70 & 72, these claims are also met by the analyses of claims 59, 60 & 62, respectively.

Regarding claim 73, Cortjens discloses a controller (Fig. 1) for controlling a video camera in accordance with designations input (pan, tilt and/or zoom inputted by mouse 12, joystick 18 and control panel 13 shown in Fig. 1) from a client (see Figs. 1-3 and col. 5, lines 30-54), said controller comprising:

an input unit (mouse 12, joystick 18 and/or control panel 13) adapted to input designations from the client (Figs. 1-5 and col. 8, lines 33-49);

a transmitting unit (an inherent transmitter at the remote site where the camera is controlled) adapted to transmit image signals of the video camera which are displayed

at the client (Figs. 6A, 6B & 13) in accordance with the designations to the client (col. 17, lines 15-43 and col. 24, line 25 - col. 25, line 30 and note that the transmitting unit at the remote site is inherent in order to transmit the images as disclosed);

wherein, in a case where the designations include a predetermined plurality of commands for [the] same operation (i.e., a plurality commands for panning operations representing panning amounts which are not greater than the resolution error as shown in step 107 in Fig. 5A), said transmitting unit does not transmit each of the image signals in accordance with the predetermined plurality of commands to the client (the transmitting unit does not transmit any panned image that is corresponding to the pan commands if the pan commands do not satisfy the condition of greater than the resolution error because the camera simply does not respond to produce such panned image to transmit, see Figs. 5A & 5B and col. 15, lines 54-64) and in a case where the designations do not include a predetermined plurality of commands for the same operation (a single command for each of panning operation and tilting operation which are greater than the resolution error in steps 107 & 108 of Figs. 5A & 5B but not multiple commands for the same panning operation), said transmitting unit transmits each of the image signals in accordance with the predetermined plurality of commands (see Figs. 5A, 5B, 6A, 6B & 13; col. 15, line 54 – col. 16, line 36; col. 17, lines 10-43 and col. 24, line 25 – col. 25, line 30).

Regarding claim 74, Cortjens clearly discloses that, in a case (another case) where the designations include a predetermined plurality of commands for the same

operation, said transmitting unit transmits the image signals in accordance with the latest command of the predetermined plurality of commands to the client (Figs. 6A, 6B and 13; col. 15, line 54 – col. 16, line 36; col. 17, lines 10-43 and col. 24, line 25 – col. 25, line 30, wherein the image signals are transmitted to the client's monitor in response to all commands that are greater than the resolution error including the latest command by inherency).

Regarding claim 75, Cortjens also discloses a control unit (controller 10 in Fig. 1) that controls the video camera in accordance with the designations from the client, wherein said transmitting unit transmits the image signals of the video camera controlled by said control unit (see col. 15, line 54 – col. 16, line 36; col. 17, lines 10-43 and col. 24, line 25 – col. 25, line 30).

Regarding claims 76 & 77, these claims are also met by the analyses of claims 60 & 62, respectively.

Regarding claims 78-80, these claims are also met by the analyses of claims 73-75, respectively.

Regarding claims 81 & 82, these claims are also met by the analyses of claims 60 & 62, respectively.

Regarding claims 83-87, these claims are also met by the analyses of claims 78-82, respectively, wherein a computer-readable storage medium (memory) for storing programs executed by a controller to control a video camera in accordance with designations input from a client to perform the steps as disclosed (see col. 10, lines 58-66 and col. 12, lines 21-51).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 61, 66 & 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cortjens et al. (US 5,598,209) in view of Suga et al. (US 6,313,875).

Regarding claim 61, Cortjens is silent about a transmitting unit that transmits to other clients, in accordance with the designations, control information of the video camera.

However, as taught by Suga, when a remote camera is under control (pan, tilt, zoom) by a client, the status of the camera in accordance with the control from the client is sent to other clients in the network to inform the other clients about the status of pan, tilt and zoom of the camera so that the other clients can quickly recognize the camera's conditions prior to taking a control action (see Suga, col. 7, line 33 - col. 8, line 10).

Therefore, it would have been obvious to one of ordinary skill in the art to configure the system of Cortjens in view of the teaching of Suga to provide a transmitting unit for transmitting to other clients in the network control information of the video camera in accordance with the designations so that other clients would quickly recognize the control information of the video camera prior to taking a control action, thereby enhancing the camera control operations among the clients.

Regarding claims 66 & 71, these claims are also met by the analyses of claim 61.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NHAN T. TRAN
Patent Examiner



DAVID OMETZ
SUPERVISORY PATENT EXAMINER